

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>BRIAN CARTER,</p> <p>Plaintiff,</p> <p>v.</p> <p>WEBER COUNTY STRIKE FORCE; OFFICER LUNT; and OGDEN POLICE DEPARTMENT,</p> <p>Defendants.</p>	<p><b>ORDER ADOPTING REPORT AND RECOMMENDATION GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT</b></p> <p>Case No. 1:23-cv-00094-TC-DAO</p> <p>Judge Tena Campbell Magistrate Judge Daphne A. Oberg</p>
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On August 8, 2025, United States Magistrate Judge Daphne A. Oberg issued a Report & Recommendation (R&R) recommending that 1) the court grant the Defendants' motion for summary judgment (ECF No. 66) on the basis that Plaintiff Mr. Carter fails to adequately plead or offer evidence supporting a cognizable claim for violations of the constitution or the ADA; 2) Officer Lunt is entitled to qualified immunity; and 3) claims against the Ogden City Police Department and Weber County Strike Force fail because Mr. Carter does not plead or offer evidence supporting municipal liability. (Report & Recommendation (R&R), ECF No. 75.) The parties were given more than two weeks to file objections to the R&R. (Id. at 21–22.) Nothing has been filed, and the time for objecting has passed.

The court has reviewed the R&R for clear error, as required by Rule 72 of the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 72 Advisory Committee Notes 1983 Addition Subdivision (b) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The court agrees with Judge Oberg’s recommendation and adopts the R&R (ECF No. 75) in its entirety.

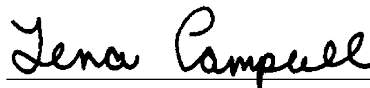
### **ORDER**

For the foregoing reasons, the court ORDERS as follows:

1. The court ADOPTS the Report and Recommendation prepared by the Honorable Daphne A. Oberg. (ECF No. 75.)
2. The Defendants’ Motion for Summary Judgment (ECF No. 66) is GRANTED.
3. The court DISMISSES this action without prejudice. The Clerk of Court is directed to close the case.

DATED this 26th day of August, 2025.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. The first name "Tena" is written above the last name "Campbell".

Tena Campbell  
United States District Judge